

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GEORGE R. SHINGLETON,	:	
Petitioner,	:	No. 3:03CV450
vs.	:	District Judge Walter Herbert Rice
		Magistrate Judge Sharon L. Ovington
DEBORAH TIMMERMAN-COOPER,	:	
Warden, London Correctional	:	
Institution,	:	
Respondent.	:	

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**REPORT AND RECOMMENDATIONS<sup>1</sup>**

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On March 17, 2005, the Court adopted the Report and Recommendations of the undersigned Judicial Officer, granted Respondent's Motion to Dismiss, dismissed George R. Shingleton's Petition for a Writ of Habeas Corpus, and entered Judgment in Respondent's favor. (Doc. #s 16-18).

Upon review of Shingleton's recently filed Motion for Reconsideration (Doc. #20), and in the absence of prejudice to Respondent, Shingleton has established good cause for reconsideration of the Report and Recommendation. This is so not only in light of his Objections (Doc. #19), which were docketed on March 18, 2005, after Judgment was entered in Respondent's favor, but also because it appears that Shingleton filed his Objections in a timely

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<sup>1</sup> Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

manner under the mail box rule. *See Cook v. Stegall* 295 F.3d 517, 521 (6<sup>th</sup> Cir. 2002).

Accordingly, Shingleton's Motion for Reconsideration is well taken.

**IT IS THEREFORE RECOMMENDED THAT:**

1. Petitioner Shingleton's Motion for Reconsideration (Doc. #20) be GRANTED;
2. The Court's Judgment (Doc. #18) be VACATED; and
3. Petitioner Shingleton's Objections (Doc. #19) be RECOMMENDED to the undersigned Judicial Officer for further consideration.

April 12, 2005

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s/ Sharon L. Ovington  
Sharon L. Ovington  
United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).